

Item #2
Regular Meeting
July 15, 2013



**City Council
of the
City of Las Cruces**

Regular Meeting

**July 15, 2013
1:00 P.M.**

Council Chambers, City Hall

MEMBERS PRESENT:

STAFF:

Mayor Ken Miyagishima
Councillor Miguel Silva, District 1
Councillor Greg Smith, District 2
Councillor Olga Pedroza, District 3
Councillor Nathan Small, District 4
Councillor Gill Sorg, District 5
Councillor Sharon Thomas, District 6

Brian Denmark, Assistant City Manager
Harry (Pete) Connelly, City Attorney
Esther Martinez-Carrillo, City Clerk

DRAFT

I. OPENING CEREMONIES

Mayor Miyagishima called the meeting to order and asked for a moment of silence. Councillor Smith led the Pledge of Allegiance.

Presentation of Certificates of Appreciation/Proclamations.

Mayor Miyagishima and a representative from the Animal Services Center of the Mesilla Valley presented the Pet of the Week.

Mayor Miyagishima presented the Mayor's Citation of Community Service to William Burke with the Burke Insurance Group.

Councillor Smith presented a Proclamation to Andrea Camuñez and declared August 1 thru August 7, 2013 as World Breast-feeding Week.

Mayor Miyagishima presented a plaque and recognized Councillor Small for his work regarding the Tierra Verde Walkway.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

II. CONFLICT OF INTEREST INQUIRY BY MAYOR AS REQUIRED BY LCMC SECTION 2-27(E)(2). *At the opening of each council meeting, the chairperson shall ask if any member of the city council, city manager, or any member of the city staff has any known conflict of interest with any item on the agenda.*

Mayor Miyagishima asked if anyone had any conflicts with anything on the agenda?
No conflicts were noted.

III. PUBLIC PARTICIPATION

Steve Jaszai, Member of the Public said I am the Corporate Manager of Heart of the Desert Pistachios and Wines and I just wanted to let you know that I am here to answer any questions you might have regarding a resolution that you are going to be dealing with later.

IV. READ JULY 1, 2013, CLOSED MEETING STATEMENT INTO RECORD

Mayor Miyagishima read a Closed Meeting Statement and said the Las Cruces City Council met in closed Session at 3:15 p.m. on July 1, 2013. The following members were in attendance: Mayor Miyagishima, Councillor Silva, Councillor Smith, Councillor Pedroza, Councillor Small (left at 4:07 p.m.), Councillor Sorg and City Manager Robert Garza. The meeting adjourned at 4:15 p.m. and only the limited items that were listed on the notice were discussed which were personnel matters relating to the annual evaluation of City Manager Robert Garza.

V. ACCEPTANCE OF AGENDA: THOSE ITEMS ON THE AGENDA INDICATED BY AN ASTERISK (*) ARE ON THE CONSENT AGENDA AND WILL BE VOTED ON BY ONE MOTION.

Mayor Miyagishima said Item 7 needs to be removed from the Consent Agenda for discussion.

Councillor Thomas Moved to Approve the Agenda as Amended and Councillor Sorg Seconded the motion.

1 -----
2
3 Mayor Miyagishima called for the roll on the Motion to Approve the Agenda as Amended and it was
4 Unanimously Approved. 7-0
5

6 -----
7

8 **VI. CITY COUNCIL MINUTES**

9
10 *(1) Regular Meeting of June 17, 2013
11

12 -----
13

14 **VII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR CONSENT AGENDA**

15
16 *(2) Resolution No. 14-009: A Resolution Authorizing Keep Las Cruces Beautiful (KLCB) to
17 Accept a Grant from Keep America Beautiful/Ups for the Community Tree Planting Program
18 in the Amount of \$5,000.00, to Authorize the City Manager's Signature on the Grant
19 Agreement, and to Amend the City's Adopted FY 2014 Budget.
20

21 *(3) Resolution No. 14-010: A Resolution Authorizing the City of Las Cruces to Formally
22 Accept Various Pieces of Equipment Valued at \$17,300.99, on Behalf of the Las Cruces
23 Police Department, from the Dona Ana County Office of Emergency Management.
24

25 *(4) Resolution No. 14-011: A Resolution Authorizing the City of Las Cruces, on Behalf of the
26 Southwest Border High Intensity Drug Trafficking Areas Program - New Mexico (HIDTA),
27 to Accept a Grant Award in the Amount of \$802,723.00 for Grant Award Number
28 G13SN0006A from the Executive Office of the President, Office of National Drug Control
29 Policy, to Ratify the Mayor's Signature on the Grant Award Documents, and to Adjust the
30 FY 2014 Budget.
31

32 *(5) Resolution No. 14-012: A Resolution Approving the Quarterly Financial Report to the New
33 Mexico Department of Finance and Administration for the Period Ending June 30, 2013.
34

35 *(6) Resolution No. 14-013: A Resolution Authorizing an Assignment of Land Lease for Parcel
36 25 at the Las Cruces International Airport from Wayne and Mary Jane Stevenson Revocable
37 Trust UTA to JSRS Holding, LLC.
38

39 -----
40

41 **VIII. RESOLUTION(S) AND/OR ORDINANCE(S) FOR DISCUSSION**

42

1 *(7) Resolution No. 14-014: A Resolution Allowing the City of Las Cruces Police Department
2 (LCPD) to Increase and Adjust the FY 2014 Budget with the Proceeds from the Sale of
3 Firearms, \$80,051 Which Will be Utilized for the Purchase of New Firearms.
4

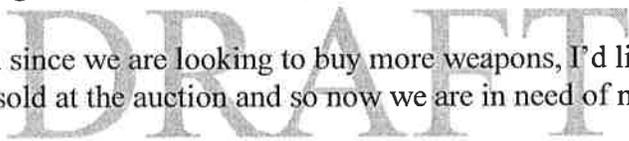
5 Councillor Thomas Moved to Approve Resolution No. 14-014 and Councillor Sorg Seconded the
6 motion.
7

8 -----
9

10 Councillor Pedroza said very soon we will be dealing with questions regarding funding so I think
11 it would be a good idea to get an idea of our inventory and see if there is a need to buy more
12 weapons.
13

14 Commander Nunley, LCPD said the auction that was conducted last year brought in a little over
15 \$80,000 and we are trying to transfer that money into the Department's budget for next year.
16

17 Councillor Pedroza said since we are looking to buy more weapons, I'd like to know that if that is
18 due to the weapons we sold at the auction and so now we are in need of more weapons?
19



20 Commander Nunley said in our current inventory we have a total of 7 side arms and 10 rifles. So,
21 with the new lateral positions that are opening up and with the academy staff that is coming aboard,
22 we need to purchase additional weapons. The \$80,000 would provide approximately 40 additional
23 side arms and about 20 additional rifles.
24

25 Councillor Pedroza asked are we going to phase out any additional weapons and take them to the
26 auction?
27

28 Commander Nunley said the weapons we auctioned off last year are the weapons we phased out and
29 the weapons that we are purchasing are the ones we will be issuing.
30

31 Councillor Pedroza asked if we transfer those funds then would that be enough to purchase those
32 weapons?
33

34 Commander Nunley said yes.
35

36 -----
37

38 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-014 and it was
39 Unanimously Approved. 7-0
40

41 -----
42

1 (8) Resolution No. 14-015: A Resolution Approving the Expansion of the Licensed Premises
2 for Wine Grower Offsite Liquor License Number 6106 Issued to Heart of the Desert, Inc.
3 D/B/A Eagle Ranch Gift Shoppe Located at 4100 Dripping Springs Road, Las Cruces, New
4 Mexico.

5
6 Councillor Sorg Moved to Approve Resolution No. 14-015 and Councillor Smith Seconded the
7 motion.

8
9 -----

10
11 Brian Denmark, Assistant City Manager said it is my understanding through Legal staff that there
12 was no negative public comment for this item so staff strongly recommends approval of this license.

13
14 -----

15
16 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-015 and it was
17 Unanimously Approved. 7-0



18
19
20
21 (9) **BEFORE CONSIDERATION OF THE FOLLOWING RESOLUTION NO. 14-016;**
22 **A PUBLIC HEARING MUST BE HELD.**

23
24 Mayor Miyagishima opened the Public Hearing for Resolution No. 14-016 and asked if there was
25 anyone who wished to speak against this item?

26
27 No one spoke for or against this item.

28
29 Mayor Miyagishima closed the Public Hearing for Resolution No. 14-016.

30
31 Resolution No. 14-016: A Resolution Approving the Transfer of Ownership and Location
32 of Liquor License No. 4013, with Package Sales Only, to J-Cubed, LLC D/B/A Kelly
33 Liquors, to Be Located at 3850 East Lohman Avenue, Suite D, Las Cruces, New Mexico.

34
35 Councillor Pedroza Moved to Approve Resolution No. 14-016 and Councillor Sorg Seconded the
36 motion.

37
38 -----

39
40 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-016 and it was
41 Unanimously Approved. 7-0

42
43 -----

1
2 (10) Resolution No. 14-017: A Resolution Accepting a Grant from the New Mexico Department
3 of Transportation, Local Government Road Fund Program, Fiscal Year 2013/2014, for the
4 El Paseo Road Median Improvements Project in the Amount of \$40,663.00, Requiring a City
5 Match in the Amount of \$13,554.00; and to Amend the Fiscal Year 2013/2014 Budget.

6
7 Councillor Thomas Moved to Approve Resolution No. 14-017 and Councillor Sorg Seconded the
8 motion.

9

10

11

12 Loretta Reyes, Public Works Director gave an overhead presentation and said this is to accept grant
13 funding from NMDOT for improvements to the median that is located on El Paseo Road in front of
14 the Las Cruces High School. In February of this year, Council approved Resolution 13-118 which
15 allowed the City to proceed with the grant application to NMDOT for the El Paseo Road Median
16 Improvements Project. The City was offered a NMDOT grant in the amount of \$40,663 with a match
17 from the City in the amount of \$13,554 which is already in our budget and the City would also
18 provide all the funding in excess of the grant for the construction of the project.

19

20 Councillor Smith said on the map it shows a star at the intersection of Boutz and El Paseo, is this
21 to simply happen at the one intersection or is it extended along the street north or south from there?

22

23 Loretta Reyes said the improvements will be made to that intersection.

24

25 Councillor Thomas asked will this include some of the work that was done when we were looking
26 at the El Paseo Project?

27

28 Loretta Reyes said the work that will be done is concentrated at that intersection.

29

30 Councillor Thomas said this is a very bad intersection that needs a lot of things done to it but this
31 is basically only for the median and pedestrian safety; correct?

32

33 Loretta Reyes said that is correct.

34

35 Councillor Sorg said the median will only be on El Paseo and not Boutz; correct?

36

37 Loretta Reyes said I do believe the median will only be on El Paseo.

38

39 Councillor Pedroza said I think it is important that we coordinate with the Las Cruces Public Schools
40 so we can shorten the length of time that the road will be closed.

41

42 Loretta Reyes said we have met with NMDOT and the Las Cruces Public Schools regarding the
43 coordination of our project with their project.

1
2 Councillor Small said it is good to see this funding coming together and it is good to see the
3 coordination with others.

4
5 Councillor Silva asked how far along are you on the median design?

6
7 Loretta Reyes said we were waiting to see if we would get the funding before we began working on
8 the design so now that we know we have the funding we will continue our work on the design.

9
10 Councillor Silva said in looking at the design, we should make sure that we don't cut off access to
11 the businesses in that area; like what was done on Picacho.

12
13 Loretta Reyes said we will take all that into consideration.

14
15
16
17 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-017 and it was
18 Unanimously Approved. 7-0



19
20
21
22 (11) Resolution No. 14-018: A Resolution to Approve Amending Pay Tables for Fire Department
23 Battalion Chiefs and Deputy Chiefs and Police Department Sergeants, Lieutenants,
24 Commanders, and Deputy Chiefs.

25
26 Councillor Thomas Moved to Approve Resolution No. 14-018 and Councillor Small Seconded the
27 motion.

28
29
30
31 Brian Denmark, Assistant City Manager said I just want to mention that Council was given a copy
32 of substitutions for the resolution's exhibits B and D.

33
34 Andre Moquin, HR Director gave a verbal presentation and said this resolution is for a pay increase
35 for the Police and Fire command staff. The substitute resolution represents a 1.5% pay increase plus
36 a \$270.00 sum which is for offsetting the increase cost of PERA and some of the health care cost.

37
38 Councillor Smith said I appreciate the changes that PERA has put in and I was just wondering that
39 if in addition to being fair to all of our Police and Fire, if we are going to be looking at similar
40 situations in other parts of our workforce?

41
42 Andre Moquin said a similar pay increase has been approved through the budget for all

1 unrepresented employees. There are other employees that are represented by Unions and we are
2 currently in negotiations with them for a similar increase.

3
4 Councillor Pedroza asked are these increases in line with other cities?

5
6 Andre Moquin said the proposed wage increase is seemingly in line with other cities.

7
8 Councillor Sorg said I would like to see a comparison of our Police and Fire Departments with
9 similar sized cities in this area.

10
11 Andre Moquin said the Department of Public Safety did a recent study regarding the salaries of
12 sergeants and lieutenants within the state and it placed us very favorably but if directed we can do
13 a study as well in the future.

14
15 Councillor Sorg said okay, and I'd like to see it for the other positions as well.

16
17 Mayor Miyagishima said I just wish we could have given them more because when most people are
18 running away from a situation, they are running toward it.

19
20 Mark Winson, Assistant City Manager said I just want to mention that these 1.5% raises are just to
21 try to help our employees from bringing home less pay due to the PERA and health care increases.

22
23 -----

24
25 Councillor Silva Moved to Amend Resolution No. 14-018 to substitute Exhibits B and D and
26 Councillor Smith Seconded the motion.

27
28 -----

29
30 Mayor Miyagishima called for the roll on the Motion to Amend Resolution No. 14-018 to substitute
31 Exhibits B and D and it was Unanimously Approved. 7-0

32
33 -----

34
35 Mayor Miyagishima called for the roll on the Motion to Approve Resolution No. 14-018 as
36 Amended and it was Unanimously Approved. 7-0

37
38 -----

39
40 **IX. BOARD APPOINTMENTS**

41
42 Mayor Miyagishima appointed Vince Vaccaro to the Convention and Visitors Bureau Advisory
43 Board.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

Councillor Sorg Moved to Approve the Mayor's board appointment of Vince Vaccaro to the Convention and Visitors Bureau Advisory Board and Councillor Small Seconded the motion.

Mayor Miyagishima called for the roll on the Motion to Approve the Mayor's board appointment of Vince Vaccaro to the Convention and Visitors Bureau Advisory Board and it was Unanimously Approved. 7-0

X. NOTICE OF PROPOSED ORDINANCE(S) ----- 1.) *There will be no public discussion.* 2.) *A councillor may ask staff for clarification on the proposed ordinance(s).*

(12) Council Bill No. 14-001; Ordinance No. 2686: An Ordinance Repealing and Replacing the 2006 Las Cruces Subdivision Code, As Amended for Incorporation of New and Revised Provisions Related to Public Notification. Submitted by the City of Las Cruces (Case SA-13-01).

Mayor Miyagishima and Council agreed to bring this item back.

(13) Council Bill No. 14-002; Ordinance No. 2687: An Ordinance Repealing and Replacing Article II, Section 38-49, and Section 38-54, of the 2001 Las Cruces Zoning Code, As Amended for Incorporation of New and Revised Provisions Related to Public Notification. Submitted by the City of Las Cruces (Case ZCA-13-01).

Mayor Miyagishima and Council agreed to bring this item back.

XI. CITY COUNCIL MEMBER BOARD REPORTS

There were no City Council Member Board Reports.

XII. GENERAL DISCUSSION

b.) City Council

1
2 Councillor Silva said there have been petitions being passed around to place a traffic light on the
3 corner of Amador and Melendres and I thought they would be here today but hopefully we can get
4 a more formal presentation.

5
6 I would like to schedule a neighborhood meeting with the NMDOT engineer to discuss the status
7 of north Main Street.

8
9

10
11 Councillor Smith said I want to thank Margaret Markham for bringing an obituary to my attention
12 which was for Dr. Heinz Genzel who was a former resident of Las Cruces. He helped move things
13 forward regarding tobacco in the workplace and he was often called as a witness in trials involving
14 adverse effects of tobacco smoke. He was also involved with the education and legislation of tobacco
15 smoking over the last four decades. He passed away two weeks ago.

16
17 I had a concern about our statement that was made last month; that we would be flying all five of the
18 U.S. Military Service Flags here at City Hall. My understanding was that we were going to be taking
19 down the three flags and poles that we have and then putting up those five for the service branches
20 and a flagpole for our national flag, state flag and city flag. So, that would make eight and my
21 concern is what are we actually doing for our Veterans in this community and I know it has been
22 brought up a number of times that perhaps we could have a liaison at City Hall. So I have already
23 communicated with Mr. Denmark and he said he wasn't sure we'd be able to have some costs on that
24 today but I would like to know what that would actually cost us and how frequently we would place
25 those flags that are flown every day and what that costs us? My third question is how much would
26 it cost to house a Veteran liaison or support officer here at City Hall; part-time or full-time? I'm not
27 expecting answers today but I will suggest that if it is important enough to us and I'm willing to
28 contribute a third of my district two discretionary monies toward having an officer like that here at
29 City Hall if that would be helpful. I think that putting the flags up is rather hollow without actually
30 providing the support that our Veterans need. We have about 20,000 Veterans in Las Cruces and
31 some of them struggle with PTSD, with finding new jobs, and making the bills, and some of them
32 are even homeless. So I do think there is an absolute need in this community to address our Veterans
33 needs and I know that our State Office and our Federal Office are working but I believe that we
34 could be doing more to help bring all of that together. Also, why would we be flying them here at
35 City Hall when they are not flown at the Federal Courthouse or at the U.S. Capitol. I respect the
36 desire to offer our support for our military but perhaps on the third floor where we have flags from
37 our Sister Cities and the flag of the United States and the flag of New Mexico and the city flag;
38 unfortunately some of those flags are touching the ground so we might want to address that but
39 perhaps that might be a more appropriate location to show our support for our military rather than
40 the expense which I can assume would be in the thousands of dollars to put up a bunch of new
41 flagpoles.

42

1 Mayor Miyagishima said the flags being flown here at City Hall started when we moved here and
2 that was the first question from members of our Veterans Advisory Board; they wanted to see that
3 and I thought that would be a nice touch to do because it is a tribute to the men and women of our
4 United States Military. If we were to move in the direction of having a liaison there would be no
5 more money to give them unless we can get more funding from the Federal Government. I think
6 flying the military flags would be a testament of this City Council because I don't think I have ever
7 seen those flags flown at any City Hall so we'd be the first one in the state.

8

9 Councillor Smith said I think once we are able to provide additional services perhaps that would be
10 a reasonable discussion but it seems to me that we're saying we don't have the funds to fund an
11 office like that and yet we are spending money to put up new flagpoles. It seems to me that we might
12 not be doing something effectively that would benefit them. I would point out that even though there
13 may be limited resources at the state and national level, the National League of Cities does have
14 opportunities for us to work with them so we might be able to take advantage of some of the services
15 that they offer and some of the initiatives that they put forward.

16

17 Mayor Miyagishima said I have tried to set up a date for us to meet with them however I have yet
18 to hear back from them and that has been a few months ago.

19

20

21

22 Councillor Pedroza said I would also like to get some more information because I don't know the
23 status of the available services for our Veterans.

24

25 There are several public meetings happening regarding information on the Affordable Care Act and
26 the County has had talks over the past couple of months regarding that issue. One of the meetings
27 is on July 16th at the Papen Center and another one is on July 17th at the Eastside Center.

28

29 I suggested several months ago that the City should look at prohibiting grocery stores from using
30 plastic bags but it didn't go over very well and now the City of Los Angeles is banning the use of
31 plastic bags so maybe we can revisit that issue.

32

33 I was disturbed when George Zimmerman was acquitted on all of his charges and I think we should
34 voice our opinions on that issue.

35

36

37

38 Councillor Small said I am passing out three short paragraphs regarding the work of our Senior
39 Programs and the budget challenges we face for our programs. I would like to suggest that we have
40 a work session regarding our Senior Programs later this fall.

41

42 I just want to remind everyone that along with the rains, we need to remove any standing water so
43 mosquitos can't breed.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42

Councillor Sorg said there are still a few dead trees in our city and I hope that the City is cleaning up our own dead trees.

I spoke with a contractor in Ruidoso that was making an area for water to collect in front of a school for their science program and he offered to give Council a presentation on some ponding ideas for some of our disturbed areas.

I have been asked for us to have some type of drought and water education programs shown on our CLC-TV station and on our website which I think that would be a good idea.

Councillor Thomas said I agree with having a presentation regarding our Senior Programs.

There was an announcement last week that there was some transportation funding available and as far as I know our Veterans are having to go to El Paso for medical treatment so there is a need for the issue of transportation for our Veterans.

There were eight meetings around the county last week regarding the HUD grant and I would like to give a report on the status of that project.

On July 24th in Council Chambers from 4:00 to 6:00 p.m. there will be a presentation regarding the maintenance and protecting the wildlife behind the dam.

a.) Mayor

Mayor Miyagishima said the County has two measures on the ballot which one is for the 911 Center and it would affect the City's GRT so if that passes then that is something we should have staff to take a look at and give us an update on it.

c.) City Manager

Brian Denmark, Assistant City Manager said I want to mention that there will not be a work session on Monday and I want to remind everyone that there is a closed meeting after this meeting.

1 Robert and Mark Winson will be out until next Monday so I will be available if any issues should
2 arise.

3

4

5

6 Vera Zamora said this is a conflict of interest disclosure for Mesilla Valley Habitat for Humanity that
7 does not require any Council action today. Mesilla Valley Habitat for Humanity is an affordable
8 housing partner and the recipient of program year 2011 and year 2012 Home Funds. They expend
9 their funding on CHDO operating, acquisition and new construction. An applicant signed up on
10 Mesilla Valley Habitat for Humanity's interest sign up sheet. The applicant was approved for
11 housing by the Volunteer Family Selection Committee. When Mesilla Valley Habitat for Humanity
12 staff was provided the applicant's file for processing, it was discovered that the approved applicant
13 is an aunt to one of the agency's staff members, Maria Vasquez, Operations Coordinator. The HUD
14 requirements for conflict of interest disclosure exception begins with the disclosure which was made
15 when the City was notified by Mesilla Valley Habitat for Humanity of the conflict of interest. The
16 next step is the City Attorney providing an opinion; he has issued his legal opinion for the interest
17 in which exception is sought does not violate state or local law. Today's action is a disclosure of the
18 nature of the conflict to the public. The final step is written request and documentation that will be
19 provided to the local field office for determination of the exception of the conflict of interest. HUD
20 then notifies the City of their determination. That concludes the public disclosure.

21

22

23

24 Councillor Sorg Moved to Adjourn and Councillor Thomas Seconded the motion.

25

26 Mayor said all of those in favor signify by saying "Aye."

27

28 Council said "Aye."

29

30 **Meeting Adjourned at 2:18 p.m.**